



Australian Capital Territory

# **Firearms (Compensation) Regulations 2003 No 28**

made under the

**Firearms Act 1996**

**Republication No 1**

**Effective: 29 August 2003 – 19 January 2004**

Republication date: 29 August 2003

Regulations not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Firearms (Compensation) Regulations 2003*, made under the *Firearms Act 1996*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law up to 29 August 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Firearms (Compensation) Regulations 2003

made under the

**Firearms Act 1996**

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R1  
29/08/03

Firearms (Compensation) Regulations 2003  
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Australian Capital Territory

# Firearms (Compensation) Regulations 2003

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## **Part 1 Preliminary**

### **1 Name of regulations**

These regulations are the *Firearms (Compensation) Regulations 2003*.

### **3 Application of pt 2**

Part 2 applies in relation to a pistol, and an accessory or major part for a pistol, for which a person is entitled to compensation under the Act, part 12 (Transitional provisions).

### **4 Expiry**

These regulations expire on 1 July 2004.



**7 Section 135 (2)***substitute*

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
- (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

**8 New section 135A***insert***135A Compensation for surrendered accessories and major parts—licensed pistol shooters**

- (1) In this section:
- related item*, for a person, means—
- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 135; or
  - (b) an accessory (including a special holster) that is—
    - (i) specific to a pistol for which the person is entitled to compensation under section 135; and
    - (ii) directly related to the person's participation in pistol shooting; or



- (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.
- (2) This section applies to a person if—
  - (a) section 135 applies to the person; and
  - (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.
- (3) The person is entitled to payment of the following amount of compensation for the related item:
  - (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

**9 Section 136***substitute***136 Compensation for licensed firearms dealers—prohibited pistols**

- (1) This section applies to a prohibited pistol owned by a licensed firearms dealer if—
  - (a) the dealer acquired or ordered the pistol before 20 December 2002; and
  - (b) the dealer surrenders the pistol to a police officer during the amnesty period.
- (2) The dealer is entitled to payment of the following amount of compensation for the pistol:
  - (a) if the pistol was imported by the dealer—the total of the customs value of the pistol determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
  - (b) in any other case—
    - (i) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
    - (ii) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (3) However, if a valuation list applies to the pistol but the dealer asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the dealer is entitled to payment of the amount of compensation assessed by the valuation panel.

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**136A Compensation for licensed firearms dealers—other items**

(1) In this section:

*related item* means—

- (a) any part or accessory for a prohibited pistol that can be used only for a prohibited pistol; or
- (b) commercially available factory-loaded ammunition that can be used only by a prohibited pistol.

(2) This section applies to a licensed firearms dealer if—

- (a) the dealer acquired or ordered a related item before 20 December 2002; and
- (b) the dealer surrenders the item to a police officer during the amnesty period.

(3) For each particular kind of related item surrendered by the dealer, the dealer is entitled to payment of the amount of compensation worked out in accordance with subsection (4) or (5) for a quantity of the item that is not more than a commercially viable stock level for the item.

(4) The amount of compensation payable to the dealer for a related item is as follows:

- (a) if the item was imported by the dealer—the total of the customs value of the item determined in accordance with the *Customs Act 1901* (Cwlth), section 159 and 20% of that determined customs value;
- (b) in any other case—
  - (i) if a valuation list applies to the item—the amount worked out in accordance with the list; or
  - (ii) if a valuation list does not apply to the item—the amount assessed by the valuation panel.

Regulation 10

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- (5) However, if a valuation list applies to the item but the dealer asks a police officer to arrange for the item's value to be assessed by the valuation panel, amount of compensation payable to the dealer is the amount assessed by the valuation panel.
- (6) For this section, the person or a police officer may ask the valuation panel to decide whether—
  - (a) a thing is a related item for the dealer; or
  - (b) the quantity of a related item that is a commercially viable stock level for the item.
- (7) The valuation panel's decision applies to the working out of the amount of compensation to which the dealer is entitled to under this section.

**10 Section 137 (2)***omit***11 New sections 137A and 137B***insert***137A Compensation for licensed pistol shooters withdrawing from pistol shooting—pistols**

- (1) This section applies to a person to whom section 137 applies.
- (2) The person is entitled to payment of the following amount of compensation for each pistol surrendered by the person under section 137:
  - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.

- (3) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

**137B Compensation for licensed pistol shooters withdrawing from pistol shooting—other items**

- (1) In this section:

*related item*, for a person, means—

- (a) a major part of, or a major part designed for use with, a pistol for which the person is entitled to compensation under section 137; or
  - (b) an accessory (including a special holster) that is—
    - (i) specific to a pistol for which the person is entitled to compensation under section 137; and
    - (ii) directly related to the person's participation in pistol shooting; or
  - (c) a major part of, or major part designed for use with, a prohibited pistol that is no longer owned by the person but that has been registered in the person's name.
- (2) This section applies to a person if—
- (a) section 137 applies to the person; and
  - (b) the person surrenders a related item owned by the person to a police officer during the amnesty period.
- (3) The person is entitled to payment of the following amount of compensation for the related item:
- (a) if a valuation list applies to the item—the amount worked out in accordance with the list; or

Regulation 12

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- (b) if a valuation list does not apply to the item—the amount assessed by the valuation panel.
- (4) However, if a valuation list applies to the item but the person asks a police officer to arrange for the item's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.
- (5) For this section, the person or a police officer may ask the valuation panel to decide whether a thing is a related item for the person.
- (6) The valuation panel's decision applies to the working out of the amount of compensation to which the person is entitled to under this section.

**12 Section 138 (2)**

*substitute*

- (2) The person is entitled to payment of the following amount of compensation for the pistol:
  - (a) if a valuation list applies to the pistol—the amount worked out in accordance with the list; or
  - (b) if a valuation list does not apply to the pistol—the amount assessed by the valuation panel.
- (2A) However, if a valuation list applies to the pistol and the person asks a police officer to arrange for the pistol's value to be assessed by the valuation panel, the person is entitled to payment of the amount of compensation assessed by the valuation panel.

**13 Section 139**

*omit*

**14 Section 140**

*substitute*

**140 Valuation panel**

- (1) The chief executive must arrange for the establishment of a valuation panel constituted by—
  - (a) 4 firearms dealers licensed under the *Firearms Act 1996* (NSW); and
  - (b) 1 police officer exercising functions in relation to the surrender of pistols under this part; and
  - (c) 1 police officer experienced in firearm ballistics.

*Note* For the making of appointments, see Legislation Act, div 19.3.

- (2) The quorum for a meeting of the panel is 1 firearms dealer and 1 police officer.
- (3) The panel has the functions given to it by this part.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired



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### 3 Legislation history

**Firearms (Compensation) Regulations 2003 SL2003-28**

notified LR 28 August 2003

reg 1, reg 2 commenced 28 August 2003 (LA s 75 (1))

remainder commenced 29 August 2003 (reg 2)

Note SL exp 1 July 2004 (see SL2003-28 reg 4)

### 4 Amendment history

**Commencement**

reg 2 om LA s 89 (4)

**Amendment of Firearms Regulations**

pt 3 hdg om LA s 89 (3)

**Regulations amended—pt 3**

reg 15 om LA s 89 (3)

**Regulation 4**

reg 16 om LA s 89 (3)

**Regulation 4 (b) to (f)**

reg 17 om LA s 89 (3)

**Regulation 29 (2) (a) (ii)**

reg 18 om LA s 89 (3)

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